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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION FOUR

In re M.F., a Person Coming Under  
the Juvenile Court Law.

B288870  
(Los Angeles County  
Super. Ct. No. 17CCJP00418-A)

LOS ANGELES COUNTY  
DEPARTMENT OF CHILDREN  
AND FAMILY SERVICES,

Plaintiff and Respondent,

v.

ABIGAIL G.,

Defendant and Appellant.

APPEAL from orders of the Superior Court for Los Angeles  
County, Rudolph A. Diaz, Judge. Affirmed.

Karen B. Stalter, by appointment of the Court of Appeal, for  
Defendant and Appellant.

Mary C. Wickham, County Counsel, Kristine P. Miles, Assistant  
County Counsel, and Sarah Vesecky, Deputy County Counsel, for  
Plaintiff and Respondent.

The juvenile court in this dependency case sustained a petition filed by the Los Angeles Department of Children and Family Services (the Department) under Welfare and Institutions Code<sup>1</sup> section 300, subdivision (c). The sustained petition alleged that Abigail G. (mother) emotionally abused her son, M.F., by making repeated unsubstantiated claims that M.F. was sexually and/or physically abused by his father, Matthew F. (father).<sup>2</sup> The juvenile court found that M.F. is a dependent child of the court, and ordered him removed from mother's custody and placed with father, with monitored visitation for mother.

Mother challenges the juvenile court's jurisdiction and disposition orders on appeal. She contends the juvenile court erred in finding that M.F. is a dependent child of the court because there was insufficient evidence that she emotionally abused M.F. or placed him at risk of suffering serious emotional harm. She also contends that, because substantial evidence did not support the juvenile court's jurisdictional findings, the disposition order removing M.F. from her custody must be reversed.

We review the juvenile court's jurisdictional findings for substantial evidence. (*In re Mariah T.* (2008) 159 Cal.App.4th 428, 438.) We examine the entire record, viewing the evidence in the light most favorable to the juvenile court's findings and making all

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<sup>1</sup> Further undesignated statutory references are to the Welfare and Institutions Code.

<sup>2</sup> The Department did not allege any counts against father, and father is not a party to this appeal.

reasonable inferences in favor of those findings, to determine whether there is evidence that would allow a reasonable trier of fact to find that the child at issue is described by section 300. (*In re Drake M.* (2012) 211 Cal.App.4th 754, 763; *In re Christina A.* (1989) 213 Cal.App.3d 1073, 1080.) If there is such evidence, we are bound to uphold the jurisdiction order. (*James B. v. Superior Court* (1995) 35 Cal.App.4th 1014, 1021.)

To come within the jurisdiction of the juvenile court under section 300, subdivision (c), there must be evidence that “[t]he child is suffering serious emotional damage, or is at substantial risk of suffering serious emotional damage, evidenced by severe anxiety, depression, withdrawal, or untoward aggressive behavior toward self or others, as a result of the conduct of the parent.” (§ 300, subd. (c).) In this case, the juvenile court found that M.F. suffered, or was at risk of suffering, emotional harm by having to undergo investigations into multiple unsupported allegations of abuse and by being forced to make statements that were not true, and therefore is a dependent child of the juvenile court. We conclude there is sufficient evidence to support the juvenile court’s finding.

The record shows that there were 12 referrals to the Riverside County Child Protective Services<sup>3</sup> related to the family and 13 referrals to the Department over the course of two years. During most of that time mother and father were living apart; mother had primary custody of M.F., and father had overnight weekend visits on the first, third, and

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<sup>3</sup> Father lives in Riverside County.

fifth weekends of each month. All but one of the referrals involved mother accusing father of sexually and/or physically abusing M.F. while M.F. was in father's care.<sup>4</sup> All were found to be unfounded, unsubstantiated, or "evaluated out" (meaning they were not investigated because they had been investigated previously or there already was an open investigation with similar allegations).

The record also shows that, due to all of mother's accusations of sexual and/or physical abuse, M.F. (who was four years old at the time the petition was filed) was required to undergo five medical examinations (including two forensic exams in a six-month period) and countless interviews with law enforcement officers and social workers. There was evidence that during those examinations and interviews, M.F. was prompted by mother to say, or heard mother say, that father hit or hurt him and that he was afraid of father; when he was interviewed by himself, however, he denied that father hit or hurt him or that he was afraid of father.

There also was evidence that M.F. was suffering emotionally. For example, mother told the social worker for the case (the CSW) that M.F. started to cry when he saw her upon his return from a visit with father, and told her that he did not want to talk to the police and did not want to say anything. Although mother attributed M.F.'s crying and statements to abuse and/or threats by father, the court reasonably could attribute them to M.F.'s fear that mother was going to accuse father of abuse again and again force M.F. to undergo examinations and

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<sup>4</sup> The first referral involved mother accusing father of domestic violence.

interviews. Similarly, mother told the CSW that M.F. was scared of the dark and did not like to sleep, which, again, she attributed to father's abuse, but which also could be attributed to the stress caused by mother's accusations and resulting examinations.

Finally, there was evidence that M.F.'s stress-related conduct was caused by mother's constant accusations of abuse, rather than by any conduct of father. The CSW, who observed M.F.'s interactions with each parent, reported that M.F. "is a different child" when he is with father. When M.F. was with mother, the CSW reported that M.F. would not interact with him, spent all of his time looking at mother's phone, and wanted to be next to mother rather than running around and playing. But when he was with father, M.F. engaged with the CSW and spent most of his time playing with family and the dog.

Based on this evidence, the juvenile court reasonably could infer that mother's constant accusations against father were causing M.F. to suffer serious emotional harm. Thus, we conclude that substantial evidence supports the juvenile court's finding that M.F. was a dependent child of the court under section 300, subdivision (c). We therefore affirm the jurisdiction order. Because mother's challenge to the disposition order is based entirely upon her assertion that the jurisdiction order is not supported by substantial evidence, we affirm that order as well.

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## **DISPOSITION**

The jurisdiction and disposition orders are affirmed.

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WILLHITE, J.

We concur:

MANELLA, P. J.

COLLINS, J.